

## **FREQUENTLY ASKED QUESTIONS BEFORE AN ELECTION FOR CANDIDATES**

### **VOTER LIST**

***How do I get a list of voters in my election district?***

[CLICK HERE](#) to visit our “Purchase Voter List” web page for information.

### **QUALIFICATIONS AND CHALLENGES**

***How do I know the qualifications for an office?***

[CLICK HERE](#) to visit our “Qualifications of Candidates” link.

***What if I want to challenge a candidate’s qualifications to run for an office?***

A qualified elector may bring a court action objecting to the candidacy of a person who qualified as a candidate in a primary election for an office in which the plaintiff is qualified to vote.

***What are the procedures for challenging a candidate’s qualifications?***

The Louisiana Election Code, R.S. 18:1401-1453, provides for the laws on contests and challenges to candidates qualifications and elections. Louisiana’s laws can be viewed on the Legislature’s website at [www.legis.state.la.us](http://www.legis.state.la.us)

***When can I challenge a candidate’s qualifications?***

An action objecting to candidacy shall be instituted not later than 4:30 p.m. of the 7<sup>th</sup> day after the close of qualifications for candidates in the primary election. After the expiration of this time period, no further action shall be commenced objecting to candidacy based on the grounds contained in R.S. 18:492.

The grounds contained in R.S. 18:492 include: (1) Defendant failed to qualify for the primary election in the manner prescribed by law, (2) the defendant failed to qualify for the primary election within the time prescribed by law, (3) the defendant does not meet the qualifications for the office he seeks in the primary election, (4) the defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified, (5) the defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act as provided in R.S. 18:463(A)(2), (6) the defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics as provided in R.S. 18:463(A)(2), or (7) the defendant falsely certified on his notice of candidacy that for each of the previous five tax years he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both as provided in R.S. 18:463(A)(2), or was not required to file either a federal or state income tax return or both.

## **ABSENTEE BY MAIL AND EARLY VOTING**

### ***Where can I find information on absentee by mail and early voting?***

[CLICK HERE](#) to visit our “Absentee and Early Voting” web page for information for voters.

### ***Can I see who voted absentee by mail and/or voted early?***

Yes. The registrar is required to keep and post a list containing the names of all persons who vote by early voting ballot during early voting and of those whose absentee ballots by mail have been received. After the last day for early voting, the list is prepared alphabetically by precinct.

You may no longer see who requests an absentee by mail ballot. Act 213 (2012 R.S.)

### ***Am I entitled to view the testing and sealing of the early voting machines?***

Yes. Prior to early voting, the Clerk is required to notify each candidate of the time and place when early voting machines will be prepared for voting by the Registrar of Voters. A candidate or his representative may be present to observe the preparation of the machines for sealing by the Clerk. From the time the preparation begins, it shall remain open for at least 30 minutes to provide a reasonable inspection period. However, no one may interfere with the election officials in performing their duties. After examination, the parish board of election supervisors is required to generate a zero tally on each machine to ensure that the machine’s public counter is set at zero and that no votes have been cast on the machine. Then the Registrar seals the machine.

### ***Where is early voting held in the parish?***

Early voting is held at each parish registrar of voters’ office and in additional locations in some parishes. [CLICK HERE](#) to see all locations.

### ***How do I challenge an early voter or absentee by mail ballot?***

A candidate or his representative, a member of the parish board of election supervisors, or a qualified elector may file a challenge to an early voter or an absentee by mail voter for the following reasons:

- (1) The applicant is not qualified to vote in the election;
- (2) The applicant is not qualified to vote in the precinct; or
- (3) The applicant is not the person whose name is shown on the precinct register.

These challenges MUST be filed no later than the 4<sup>th</sup> day before the election. A challenge is to be filed personally with the registrar of voters on a form in the registrar’s office that is provided by the secretary of state. An objection to the qualifications of a voter or to an irregularity in the conduct of the election, is deemed waived if with the exercise of due diligence it could have been raised by a challenge of the voter or objections at the polls to the procedure.

Any other ground to challenge the voter may be filed with the parish board of election supervisors as a challenge for cause during the counting of the absentee by mail and early voting ballots on a form that is provided by the Secretary of State.

All challenges are determined by majority vote of the parish board of election supervisors during the counting.

## **OPENING THE POLLS**

### ***How are polls opened on Election Day?***

Commissioners who are trained and commissioned by the Clerk of Court are responsible for the operations at the polling place on election day. After the commissioners take their oath at the beginning of the election day and before the time for opening the polls, the commissioners, in the presence of the watchers, prepare the polling place for voting. They compare the voting machine serial numbers on the machines with the numbers on the key envelope to make sure they match. They also compare the protective counter numbers on the key envelope with the protective counter numbers on the machines. Then they open the key envelope and open the door of each voting machine and cause them to produce a zero proof sheet to determine that each counter on each machine is set at zero. They sign and certify to the correctness of each zero proof sheet and post it within the polling place.

### ***What if I have watchers at the polling place?***

Each candidate is entitled to have one commissioned watcher at every precinct where his name is on the ballot and one watcher may be commissioned as a super watcher and entitled to enter every precinct where the candidate is on the ballot. Please [CLICK HERE](#) to review our Poll Watcher Handbook.

### ***Why can't I post election material at or near the polling place?***

The Legislature of Louisiana enacted a 600 foot campaign free zone from the entrance of any polling place from the hours of 6:00 a.m. till 9:00 p.m. [The only exception is for campaign signs on private property.] This law applies to early voting locations too.

The legislature wrote the following public policy statement in the law. "The Legislature of Louisiana recognized that the right to vote is a right that is essential to the effective operation of a democratic government. Due to a past, longstanding history of election problems, such as multiple voting, votes being recorded for persons who did not vote, votes being recorded for deceased persons, voting by non-residents, vote buying, and voter intimidation, the legislature finds that the state has a compelling interest in securing a person's right to vote in an environment which is free from intimidation, harassment, confusion, obstruction, and undue influence. The legislature, therefore, enacts this Subsection to provide for a six hundred foot campaign-free zone around polling places to provide to each voter such an environment in which to exercise his right to vote." LSA-R.S. 18:1462

## **VOTING AND ELECTION DAY PROCEDURES**

### ***What are the election day procedures?***

The commissioners cut the seal on the precinct register and on the precinct supply envelope to set up for voting. A precinct register lists all eligible voters for the election. If a supplement to the

official list of voters is delivered to the commissioners election day, they are to add it to the precinct register. If a supplemental list of persons who voted absentee by mail is delivered to the commissioners, they are to indicate in the precinct register those voters who voted absentee by mail.

***What are the requirements for the identification of voters?***

A voter is required to give his name and address to a commissioner to be announced for voting. The commissioners are required to identify every applicant and require them to submit a photo ID or sign an affidavit after answering questions that allow the commissioners to properly verify the information contained in the precinct register.

***What if voters are disabled or need assistance?***

[CLICK HERE](#) to review information for “Disabled and Elderly Citizens”. [CLICK HERE](#) to review information for assistance in voting.

***Why are voters required to fill out other paperwork before voting?***

If a voter is “inactive” in the registration database, then their registration information was not verified by the registrar during the annual canvass of voters and must be verified on election day before voting. These voters simply complete an “Address Confirmation Card – Election Day” form and are allowed to vote, unless they moved to an address outside of the parish or state more than 3 months before the election.

***What if a voter’s name is not in the precinct register?***

The commissioners are taught to contact the registrar of voters to confirm that no mistake has been made. If a mistake has been made, the commissioners will complete a “Precinct Register Correction” form and have the voter sign it and then allow the voter to vote.

***What if a voter reports to a candidate that they were not allowed to vote on the candidate when they thought that they should have been able to do so?***

The candidate should contact the clerk of court’s office immediately to allow the clerk to confirm with all election officials as to whether or not the jurisdiction of the election is valid and/or whether the election officials are properly performing their duties.

***What if a candidate wants to challenge a voter on Election Day?***

A commissioner, watcher or qualified voter may challenge a person applying to vote on election day on any of the following grounds:

- ✓ The applicant is not qualified to vote in the election; or
- ✓ The applicant is not qualified to vote in the precinct; or
- ✓ The applicant is not the person whose name is shown on the precinct register.

There is a form at the polling place to be completed when challenging a voter. Additionally, voters who do not have a photo ID and complete a “Voter Identification Affidavit” before voting are subject to challenge. An objection to the qualifications of a voter or to an irregularity in the conduct of the election, is deemed waived if with the exercise of due diligence it could have been raised by a challenge of the voter or objections at the polls to the procedure.

***Who determines the challenge?***

A majority of the commissioners must determine whether the challenge is valid or invalid. If invalid, the applicant is allowed to vote.

**PROHIBITED ACTIVITY DURING EARLY VOTING AND ON ELECTION DAY*****Where can I find the laws on what activities are prohibited during early voting and on Election Day?***

The Louisiana Election Code prohibits certain activity on election day and during early voting, between the hours of 6:00 a.m. and 9:00 p.m. You may review the laws on the Legislature's website at [www.legis.state.la.us](http://www.legis.state.la.us). Under the button "Louisiana Laws", you need to enter Title "18" and Section "1461". Then click to review the "next section", as the election offenses run through section 1468.

You may also review the law on transportation of voters at Title "18", Section "1531" at the Legislature's website.

***Who can I call to have the election laws enforced?***

During early voting, the registrar of voters may enforce the election laws and may use law enforcement officers to maintain order at any location where early voting is conducted. They are authorized to verbally issue a *Notice to Leave Premises* to anyone who has voted early and refuses to leave their office or the site where early voting is being conducted. They may remove political signs on public property within the 600 foot campaign free zone.

During the election, the commissioners may enforce the election laws. They are authorized to verbally issue a *Notice to Leave Premises* to anyone who has voted and refuses to leave the polling place. They may also call law enforcement to preserve order and enforce the election laws. And they may remove political signs on public property within the 600 foot campaign free zone.

[CLICK HERE](#) to visit our "Elections Fraud & Compliance" web page for more information on reporting election irregularities.